

## **REMARKS**

In the Official Action mailed on **17 July 2008**, the Examiner reviewed claims 38-47. Examiner rejected claims 38-47 under 35 U.S.C. § 112. Examiner rejected claims 38-41, 46, and 47 under 35 U.S.C. § 103(a) based on Rabin et al. (U.S. Patent No. 6,697,948, hereinafter “Rabin”), and Tinney (“*Organize Your Finances in a Weekend with Quicken® 2000*”, hereinafter “Tinney”). Examiner rejected claims 42-46 as conflicting with claims 1-3, 29-31, 43-45, and 55-63 of Application No. 10/684,955.

### **Rejections under 35 U.S.C. § 112**

Examiner rejected claims 38-47 under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, Examiner avers that one of ordinary skill in the art would not understand the distinction between “**identification information** concerning the user,” and “**verification information** concerning the user,” because the unique identifier provided by a software vendor can be used to verify that the user is licensed to run the software program. Accordingly, Applicant has removed the phrase “identification information concerning the user” from claims 38, 46, and 47. No new matter has been added.

Examiner rejected claim 42 under 35 U.S.C. § 112 as being indefinite for use of the phrase “acceptably similar.” Accordingly, Applicant has amended the language of claims 43-45 to remove the phrase “acceptably similar.” Support for these amendments can be found in paragraph [0048] of the Instant Application. No new material has been added.

Examiner rejected claim 46 under 35 U.S.C. § 112, averring that one of ordinary skill in the art would not understand how a processor is to be incorporated into the medium. Applicant has amended independent claim 46 to

incorporate Examiner's suggested language for the preamble. No new matter has been added.

#### **Rejections under 35 U.S.C. § 103(a)**

Examiner rejected claims 38-41, 46, and 47 under 35 U.S.C. § 103(a), asserting that these claims are unpatentable over Rabin in view of Tinney. Applicant respectfully disagrees, because Tinney does not disclose making features available to a user depending on the license possessed **on a per feature basis**.

Specifically, Tinney discloses four software product categories, where a software product for a given category includes a **predetermined** combination of available features (see Tinney, pages 328-329). Applicant respectfully notes that each category is a different **product**, as is explicitly stated by the appendix of Tinney, entitled "Quicken **Product** Feature Comparison" (see Tinney, page 327). Tinney does not disclose, either explicitly or implicitly, allowing a user to access a feature from one or more features of a given software product, **on a per-feature basis**.

Therefore, Applicant respectfully notes that Rabin and Tinney combined do not disclose the claimed limitations of embodiments of the present invention, where a client computer can receive an action from the user to access **a feature** from one or more features **of a software program**, and sends a request to a server **to access the feature of the software program** in response to receiving the action from the user. Applicant respectfully requests that the rejection be withdrawn, as the claims are not anticipated by Rabin and Tinney.

### **Claim Interpretation**

Examiner interpreted that the “means for” phrases in claim 47 do not invoke 35 U.S.C. § 112 6<sup>th</sup> paragraph. Accordingly, Applicant has removed the “means for” phrases from claim 47 to remove any ambiguity in the claim interpretation. No new matter has been added.

### **Double Patenting**

Examiner avers that claims 42-46 conflict with claims 1-3, 29-31, 43-45, and 55-63 of Application No. 10/684,955. Applicant respectfully notes that the claims in Application No. 10/684,955 are directed to a different invention than the claims of the present invention.

Specifically, claims 1-3, 29-31, 43-45, and 55-63 of Application No. 10/684,955 are directed to a server method for dynamically managing a user software license, where the server method receives a request from a client for access to at least one feature of a software program, and returns to the client a corresponding software license in response to the request. In contrast, claims 38-47 of the present invention are directed to a client method for dynamically managing a user software license, where the client method sends a request to a server for access to a feature from one or more features of a software program in response to an action from a user to access the feature, and receives a corresponding software license from the server.

Applicant respectfully notes that the server method of Application No. 10/684,955 and the client method of the present invention are two different inventions which can interact with each other. The client method requests for software license information from a license server when a user performs an action to access a feature of a software program, and the server method responds to the request for software license information by returning a corresponding software license information to the client method. Hence, Applicant respectfully requests that the double patenting rejection be withdrawn.

Applicant respectfully submits that independent claims 38, 46, and 47, are in condition for allowance. Applicant also submits that claims 39-45, which depend upon claim 38, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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